

ORIGINAL

Before the
Federal Communications Commission
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of:

Rulemaking to Amend Parts 1, 2, 21, and 25
of the Commission's Rules to Redesignate
the 27.5-29.5 GHz Frequency Band, to
Reallocate the 29.5-30.0 GHz Frequency
Band, to Establish Rules and Policies for
Local Multipoint Distribution Service and for
Fixed Satellite Services

CC Docket No. 92-297

and

Suite 12 Group Petition for Pioneer's Preference

PP-22

DOCKET FILE COPY ORIGINAL

To: The Chief, International Bureau

Emergency Petition for Reconsideration

Texas Instruments, Inc. ("Texas Instruments"), by counsel, hereby submits this Petition for Reconsideration of the Order of the International Bureau, DA 95-2033, released September 25, 1995, in the above-captioned proceeding. Therein, the Chief of the International Bureau granted two motions to extend the time in which to file reply comments in response to the Third Notice of Proposed Rulemaking and Supplemental Tentative Decision in CC Docket No. 92-297 ("Third Notice"). Emergency reconsideration is requested because the prior deadline for filing replies was tomorrow, September 28, 1995.

1. This delay is the second filing extension ordered recently in this proceeding by the International Bureau. The first Order, DA 95-1866, was granted on August 24, 1995, in response

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to a motion which justified a delay in filing comments to the Third Notice on the basis that “August is a summer vacation period.”

2. The rationale for the current delay is that it would “facilitate discussion and resolution of the specific details on inter-service sharing.” These details, of course, have been under discussion since this proceeding was initiated in 1992, and such discussion may, and undoubtedly will, continue beyond any comment date set by the FCC. Amazingly, one movant’s justification for the further delay is simply the “time pressures on personnel who are also preparing filings for Commission proceedings with contemporaneous deadlines.”

3. Based on its active leadership in discussing and resolving inter-service sharing issues, Texas Instruments firmly believes that continued delay of the resolution of this proceeding is unwarranted at this time. Texas Instruments, working with FCC staff, continues to engage terrestrial and satellite interests on spectrum sharing issues, but believes the proceeding should not be delayed.

4. This proceeding has dragged on for years yet, in spite of the Commission’s apparent intentions earlier this year to expedite resolution of the proceeding, the International Bureau has twice decided to delay FCC action without good cause. The agency’s delay in authorizing LMDS even has attracted the attention of Congress. Indeed, the Commission’s delay was criticized in recent testimony before the Senate Commerce Committee.¹ Continuing to grant

¹ *Budget Reconciliation, 1995: Hearing on Spectrum Auctions Before the Senate Comm. on Commerce, Science & Transportation, 104th Cong., 1st Sess., September 12, 1995* (statement of Thomas W. Hazlett).

extensions of time in which to comment simply delays the Commission's consideration of this proceeding for no particular reason.

5. Finally, due to delays in the docket filing system at the Commission, the adoption of the current delay order came with no warning to other parties in this proceeding and, thus, no opportunity for comment. Since the request did not appear in the record before it was granted, many parties, including Texas Instruments, were unaware any further delay was under consideration by the Commission.

6. For the aforementioned reasons, Texas Instruments opposes the delay embodied in the order extending time for filing reply comments in this proceeding and respectfully requests the Chief of the International Bureau to reconsider his order and reinstate the previous deadline for filing reply comments to the Third Notice.

Respectfully submitted,

TEXAS INSTRUMENTS, INC.

A handwritten signature in black ink, appearing to read "Robert L. Pettit", is written over a horizontal line.

By: Robert L. Pettit
Paul E. Misener

Its Attorneys

September 27, 1995

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of September, 1995, I caused copies of the foregoing "Emergency Petition for Reconsideration" to be hand-carried to the following:

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Federal Communications Commission
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Hon. James Quello
Federal Communications Commission
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Hon. Susan Ness
Federal Communications Commission
1919 M Street, N.W. Room 832
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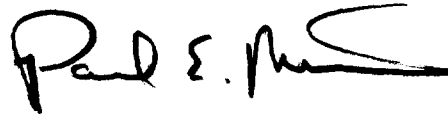
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09/27/95, 1:57pm

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A handwritten signature in black ink, appearing to read "Paul E. Misener", written over a horizontal line.

Paul E. Misener

09/27/95, 1:57pm